Translation

PCT/JP2003/007149

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference Y0326-PCT	**FOR FURTHER ACTION**	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/JP2003/007149	International filing date (*day/month/year*) 05 June 2003 (05.06.2003)	Priority date (*day/month/year*) 07 June 2002 (07.06.2002)
International Patent Classification (IPC) or national classification and IPC A61K 31/18, 31/4725, 45/00, A61P 13/00, 13/02, 13/10, 43/00, C07D 453/02		
Applicant YAMANOUCHI PHARMACEUTICAL CO., LTD.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand	Date of completion of this report
09 October 2003 (09.10.2003)	28 January 2004 (28.01.2004)
Name and mailing address of the IPEA/JP Facsimile No.	Authorized officer Telephone No.

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International application No.
PCT/JP2003/007149

I. Basis of the report

1. With regard to the **elements** of the international application:*

☒ the international application as originally filed

☐ the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the claims:

pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the drawings:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

☐ the sequence listing part of the description:

pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* *Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).*

** *Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.*

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III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 7, 8

because:

☒ the said international application, or the said claims Nos. 7, 8 relate to the following subject matter which does not require an international preliminary examination *(specify)*:

The inventions of claims 7 and 8 concern treatment of the human body by therapy.

☐ the description, claims or drawings *(indicate particular elements below)* or said claims Nos. _____ are so unclear that no meaningful opinion could be formed *(specify)*:

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 7, 8.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	3, 4, 6	YES
	Claims	1, 2, 5	NO
Inventive step (IS)	Claim	4	YES
	Claims	1-3, 5, 6	NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

Document 1) World Journal of Urology, 2001, Vol. 19, No. 5, p. 307-311
Document 2) European Urology, 2001, Vol. 40, suppl 4, p. 12-20
Document 3) WO 96/20194 A1 (Yamanouchi Pharmaceutical Co., Ltd.) July 4, 1996

[1] Based on the descriptions in documents 1 and 2 cited in the international search report, the inventions of claims 1, 2 and 5 lack novelty and an inventive step.

Page 308 of document 1 states that adrenaline α1-receptor blockers are useful as drugs for the treatment of overactive bladder, and lines 10 to 15 on the right column of the same page state that tamsulosin controls symptoms caused by irritation of the bladder such as frequent urination. Thus, the inventions of claims 1, 2, and 5 are one and the same as the invention described in document 1. Furthermore, because the applicant also acknowledges on page 3, lines 10 to 12 of the Specification of this application that overactive bladder is a urinary collection disorder, and page 20 of document 2 states that tamsulosin is effective in the treatment of urinary collection disorders, the inventions of claims 1, 2, and 5 are one and the same as the invention described in document 2.

[2] Based on the descriptions in documents 1 and 2 cited in the international search report, the inventions of claims 3 and 6 lack an inventive step.

See item [1] above.

Because document 1 states that muscarinic receptor antagonists have been used in the past as drugs for the treatment of overactive bladder, persons skilled in the art can easily conceive of using tamsulosin in combination with a muscarinic receptor antagonist. Likewise, because Figure 6a of document 2 states that muscarinic receptor antagonists are effective in the treatment of urinary collection disorders, persons skilled in the art can easily conceive of using tamsulosin in combination with a muscarinic receptor antagonist as a drug for the treatment of overactive bladder, which is a urinary collection disorder.

[3] None of the documents cited in the international search report or documents considered relevant to the invention describes the invention of claim 4, and therefore this invention has novelty and involves an inventive step.

Documents 1 and 2 state that tamsulosin is effective in the treatment of overactive bladder, and document 3 states that 3-quinuclidinyl 1-phenyl-1,2,3,4-tetrahydro-2-isoquinolinecarboxylate or salt thereof is effective in the treatment of frequent urination, etc. However, documents 1-3 neither describe nor suggest that when tamsulosin and the above quinuclidine compound are used in combination, they will demonstrate a synergistic effect in controlling overactive bladder.